

113.01 CONTRACT CIVIL RIGHTS**General**

Receipt of federal aid (FA) funds is contingent on implementing several Civil Rights (CR) programs in the Department. Three of the five CR programs--the Contract Compliance Program, the Training Special Provisions (TSP) Program, and the Disadvantaged Business Enterprise (DBE) Program--require that FA construction contracts contain special provisions stipulating that contractors provide equal employment opportunity.

Included in this is:

- Employing minorities and women in the crafts utilized on the project (the Contract Compliance Program).
- Employing minority and women trainees in the crafts utilized on the project (the OJT Program).
- Subcontracting a portion of the work to certified minority or women-owned businesses (the DBE Program).

The following information is to be used as a supplement and guide for construction personnel in administering the "Civil Rights Special Provisions" and "Training Special Provisions" of federal aid contracts. An explanation of these programs is contained in the Contract Compliance Plan and the Disadvantaged Business Enterprise Plan, along with listings of authorities under which the programs are implemented and responsibilities of other Department personnel.

Preconstruction Meetings

The Resident/Regional Engineer or the District EEO/ST Coordinator presents the contractor with a package containing:

- A. Poster, EEOC-P/E-1, "Equal Opportunity is the Law" See Exhibit 113-2.
- B. Posters, Idaho Human Rights Commission, "Idaho Law Prohibits Discrimination" (1 Spanish, 1 English) Supply #270048507 and 270047996. See Exhibit 113-6 & 113-7.
- C. Two copies of ITD-86, Contractor EEO Compliance Report. It can be used by the contracting firm to evaluate its EEO posture. It will be used by the EEO/ST Coordinator, Contract Compliance Officer, and FHWA personnel to conduct formal Compliance Reviews that evaluate selected contractors for compliance with Civil Rights Provisions of the contract. See Exhibit 113-5 a-i.

- D. Form PR-1391, "Federal-aid Highway Construction Contractors Annual EEO Report". See Exhibit 113-3A.
- E. Form CC-257, "Monthly Employment Utilization Report", in sufficient quantities to submit monthly for the duration of the project. See Exhibit 113-4A.
- F. A SAMPLE "Equal Employment Opportunity Policy" which the contractor can use as a guide in developing his/her company's own policy. See Exhibit 113-1. The Contractor must, however, develop their own policy.

These posters and forms are given to the contractor, along with notices, wage rate information, emergency phone numbers, etc. listed under Item 32 of Exhibit 108.03-2C, Preconstruction Conference Outline, of this manual.

The basic elements of the Civil Rights contract provisions which should be emphasized at the preconstruction meeting have been extracted from the information that follows and placed in the Preconstruction Conference Outline referred to above. The Resident/Regional Engineer or the EEO/ST Coordinator is responsible for ensuring that the Contractor understands the commitments made when the contract was executed, and the consequences of failing to carry out those commitments.

113.02 CONTRACT COMPLIANCE PROVISIONS

General

Sections I, II, and III of the Civil Rights Special Provisions contain the commitments made by the Contractor to provide equal employment opportunity and practice affirmative action in hiring, training, and promoting women and minorities in the crafts. As with any other provision in the contract, the Resident/Regional Engineer is responsible for monitoring, administering, and obtaining compliance with the "Civil Rights Special Provisions".

The Contractor agrees to take the following action on the project:

- A. Prohibit discrimination based on race, sex, color, national origin, age, or religion.
- B. Develop and post an equal employment policy statement which expresses the firm's commitment to affirmative action and equal employment opportunity. All subcontractors must also develop, and post their policies. See example, Exhibit 113-1.
- C. Display the required posters, in a convenient, suitable place, readily accessible by employees and potential applicants.
- D. The Contractor must designate by letter, before beginning any on-site work, an Equal Opportunity Officer who has the authority, position and experience to carry out an effective EEO program as the Project EEO Officer and make his/her identity known to all supervisors and employees. This letter will be placed in project files.

On-Site Inspections - Form ITD-2674

After each project is under way and the contractor has employed at least two-thirds of the anticipated work force, the Resident/Regional Engineer conducts on-site inspections and records the findings on Form ITD-2674.

If the Resident/Regional Engineer finds minor items (e.g. EEO policy not posted), the Resident/Regional Engineer requests that the contractor take corrective action immediately. If the Contractor refuses or neglects to take the corrective action, the Resident/Regional Engineer should request a Compliance Review by the CR Contract Compliance Officer (CCO).

A. On-site inspections for EEO requirements will be conducted on:

- All Prime Contractors.
- All Subcontractors with subcontracts of \$10, 000 or more.

B. The Resident/Regional Engineer will complete the On-Site Inspection Form (Form ITD-2674) and distribute as indicated on the form. EEO on-site inspections determine whether the Contractor is meeting the basic intent of the Civil Rights Provisions in the contract. It can serve as a reminder to Contractors (who usually focus on completing the project) that ITD is also concerned about who is working on the project, and the environment in which they work.

In addition to routine contract monitoring by the Resident/Regional Engineer, District EEO/ST Coordinators will randomly select current projects to determine:

- Whether the project file contains an ITD-2674 for the prime and each subcontractor that has been on the project.
- Whether the information provided on the ITD-2674 completed by the Resident/Regional Engineer (or the Resident/Regional Engineer's designee) correlates with the EEO/ST Coordinator's independently conducted investigation.

The EEO/ST Coordinators report their findings to the District Engineer (DE). Copies of all on-site inspections will be forwarded to the Contract Compliance Officer.

Contract Compliance Review

Each calendar year, Headquarters personnel (Civil Rights, Construction, Design) and District personnel coordinate selection of contracts for formal Compliance Reviews for the following construction season according to criteria established in the Contract Compliance Plan. The CCO advises Districts of those projects and contractors selected.

EEO/ST Coordinators, with the assistance of the Resident\Regional Engineer, should monitor employment trends as indicated on payrolls and 257s to determine the best time for conducting the review. Reviews should take place if possible after the Contractor has had hiring needs.

District EEO/ST Coordinators are responsible for scheduling and conducting formal Civil Rights Contract Compliance Reviews. While the CCO is ultimately responsible for conducting the review, the District EEO/ST Coordinators or designated DRIS are responsible for initiating the review process, preliminary analysis of the documentation submitted and preparation and distribution of all related letters and forms. The Contract Compliance Officer, representatives of FHWA, and appropriate District staff may accompany the District EEO/ST Coordinators or designated DRIs in the on-site portion of the review.

At the conclusion of the review, an Exit Conference is conducted with the contractor's representatives to discuss the preliminary findings. The Contract Compliance Officer will conduct the Exit Conference. Others attending the Exit Conference will be the EEO/ST Coordinator or designated DRIs, representatives of FHWA, appropriate District staff and the Contractor's representatives. The EEO/ST Coordinators or designated DRI's may be requested to conduct the Exit Conference by the CCO or the Chief of Civil Rights (CCR) if needed. FHWA representatives attending the Exit Conference may ask questions regarding any issues of the compliance review. The Resident/Regional Engineer and other appropriate project personnel will attend this conference to assist in clarifying issues or documentation and to become familiar with additional requirements which may be placed on the contractor if found to be out of compliance or deficient in some manner. For more detail on contract compliance reviews, refer to the Contract Compliance Plan.

Complaints

When a discrimination complaint against a contractor based on race, color, religion, sex or national origin is filed with the ITD, the Resident/Regional Engineer notifies the District EEO/ST Coordinator or designated DRI and the CCR. The CCR notifies the Federal Highway Administration. The notification includes a list of federal aid contracts the Contractor holds in Idaho and the value and location of each. At a minimum, the following information is compiled by the District EEO/ST Coordinator or designated DRI and included in each report of discrimination:

- Name, address and telephone of the complainant.
- Contractor involved and location where the complaint originated (project site, home office, etc.).
- Basis of complaint (i.e. race, color, religion, sex, national origin, etc.).
- Date(s) of alleged discriminatory act(s). (Complaints must be filed within 180 days of the last alleged discriminatory act.)
- Date complaint was received.
- A statement of the complaint and issues involved signed by the complainant.

The CCR will assign an Investigator trained in performing Civil Rights fact-finding investigators who will promptly investigate each alleged act of discrimination. This investigation will be coordinated by the Bureau of Civil Rights to assure the necessary information is gathered and report to the CCR. The CCR will keep the Chief Engineer and the District Engineer informed of the status of the complaint during the investigation.

Based on the facts obtained in the investigator's report, the CCR will determine if discrimination has or has not taken place. The CCR will prepare an Investigative Summary and Recommendation Report showing the conclusions and recommendation and present the report

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to the Director of ITD. The Director will review the report on the investigation and make a final determination of ITD's decision. The CCR will prepare a Statement of Agency Decision reflecting ITD's final determination.

The CCR will inform the complainant and the contractor of ITD's decision, in writing, and the right to appeal the decision to the Human Rights Commission, FHWA, USDOT or the EEOC.

The CCR will present the final report to the appropriate manager for implementation of the final determination.

The CCR will send copies of the complaint, Investigative Summary and Recommendations Report, and Statement of Agency Decision to FHWA within 60 days of receipt of the complaint.

113.03 DISADVANTAGED BUSINESS ENTERPRISE (DBE)**General**

Part IV of the “Civil Rights Special Provisions” contains the Contractor’s commitment to ensure that Disadvantaged Business Enterprises (minority, woman, or otherwise disadvantaged-owned firms) have the maximum opportunity to participate in performance of the contract. If a goal is included in the contract the contractor commits to making good faith efforts to seek out and consider DBE firms for work on the project.

Establishing Contract Goals

The Roadway Design Section and Bureau of Civil Rights will review proposed projects to identify work that could be performed by DBEs and determine if a goal should be established. Items considered in establishing contract requirements include, but are not limited to the following:

- Project size, duration, and dollar value
- Number and size of contractable items in relation to DBE firms available to do the work
- Nature of the project
- Project location

DBE goals if established, are placed in “Notices to Contractors” and subsequent contract specifications.

Award of Contract

- A. The apparent successful bidder is the lowest qualified and responsible bidder who certifies that the firm will “perform the work” of the contract “in accordance with” various regulations and special provisions of the contract, including the Civil Rights Special Provisions.
- B. Within fifteen (15) days of receipt of the “Intent to Award” letter, the apparent low-bid Contractor must submit the names of all solicited Subcontractors, equipment lessors, manufacturers, delivery companies and suppliers on form ITD-2396, "DBE Commitments" (Exhibit 113-9). The form must contain the following information:
 - Names of DBE and non-DBE firms contacted, or who volunteered quotations
 - The item number or description of the work proposed by each subcontractor
 - The price quoted for the items listed

- Designation of YES or NO in the "Plan to Use" column for all DBE firms submitting quotations. (No designation is required for non-DBE firms.) A YES entry in this column after the name and quotation of a DBE constitutes a commitment by the contractor to subcontract that portion of the work to the designated DBE unless the DBE is subsequently found to be unable, or unwilling to perform.
- Explanation of why proposals by DBEs were not selected
- The total dollars and percentage of participation by listed DBE firms to meet the established goal

The information is evaluated by the CCO to determine whether the commitment meets the terms of the contract provisions and to the DBE program and goals. Failure of the contractor to submit DBE information accurately and in proper form may render the bid nonresponsive.

The apparent low bidder's commitment to meet the goals (or demonstration of good faith efforts) determines whether the contract will be awarded. If the contractor commits to the use of DBEs, which meet or exceed the established goal, the Good Faith Effort Section on pages 5 and 6 of form ITD-2396 need not be filled out.

If the apparent low bidder does not commit to the DBE goal by identifying DBE subcontractors who meet or exceed the goals, the bidder must document and submit justification why the DBE goal could not be met. The CCO will review the documentation prior to award of the contract to determine if all good faith efforts have been accomplished. To demonstrate good faith efforts, the bidder must document the steps taken to obtain DBE participation. As stated in the Civil Rights Special Provisions, this information should include, but is not limited to:

- Whether the contractor advertised in general circulation, trade association, and minority-focus media concerning the subcontracting opportunities;
- Whether the contractor provided written notice to a reasonable number of specific DBEs that their interest in the contract was being solicited, in sufficient time to allow the DBEs to participate effectively;
- Whether the contractor followed up initial solicitations of interest by contacting DBEs to determine with certainty whether the DBEs were interested;
- Whether the contractor selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goals (including, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation);
- Whether the contractor provided interested DBEs with adequate information about the plans, specifications and requirements of the contract;
- Whether the contractor **negotiated** in good faith with interested DBEs, not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities;

NOTE: ITD defines the term "negotiate," as it relates to "DBE good-faith efforts," to mean that the Contractor will engage in discussions with DBEs related to:

- The content of bid items and possible adjustments thereto;
- The bid items to be included in a package and possible adjustments thereto;
- The terms and conditions of the subcontract, and possible adjustments thereto;
- The bonding and insurance requirements, and possible adjustments thereto; and
- The addition of bid items to be subcontracted with a view to increasing the participation of DBE's in order to meet the contract goal.
- The efforts, if needed, made by the Contractor to assist interested DBEs in obtaining bonding, lines of credit, or insurance required by the ITD or Contractor;
- The effective use, if needed of the services of available minority community organizations; minority Contractors' groups; local, state and federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of DBEs; and
- Whether the contractor was involved in any pre-solicitation or pre-bid meetings that were scheduled to inform DBEs of contracting and subcontracting opportunities.
- Whether any other actions were taken to meet the goal.

If the bidder to whom ITD proposes to award the contract fails to meet the DBE goal and is unable to demonstrate good-faith efforts to meet the goal, or efforts cannot be verified, that bidder may not be awarded the contract and may forfeit the proposal guarantee submitted with the bid. (Standard Specifications 103.06) The CCO, CCR, and RDE will confer with the Chief Engineer to evaluate the information and determine disposition of the bid.

The apparent successful bidder's certification in the bid proposal indicating the DBE goal will be met or exceeded (or perform all good-faith efforts) is considered binding. Failure to abide by commitments in the certification may result in withheld payments, suspending the contract in whole or in part until the Contractor is found to be in compliance (no progress payment will be made during the time and no time extension will be made), termination of the contract, or assessment of liquidated damages. (Contract Civil Rights Special Provisions, page 15)

Counting DBE Participation Toward Contract Goals

The DBE Plan and the Civil Rights Special Provisions state that credit toward meeting the contract goal varies with the type of function performed by the DBE firm as follows:

- Construction firms (supply labor and materials to perform a discrete element of the work) . . . 100%

- Manufacturers (must produce product from raw material or substantially alter product before resale) 100%
- Equipment rental firms (must be equipment owned by and registered to DBE firm) 100%
- Regular Dealers (a firm that owns, operates, or maintains an establishment that regularly sells materials or supplies to the general public) 60%
- Brokers, packagers, manufacturers' representatives Net Fee

When a certified DBE firm is bidding as a Prime Contractor, the total dollar amount of the actual contract may be counted toward the contract DBE goal attainment.

The Contractor may count toward its DBE goal only that portion of a joint venture equal to the percentage of ownership and control exercised by the DBE partner.

The Contractor may count toward its DBE goal only those expenditures to certified DBE firms that provide a "Commercially Useful Function" on the project. The DBE performs a "Commercially Useful Function" when it is responsible for execution of a distinct element of the work of a contract and carries out that responsibility by actually performing, managing and supervising the work involved. A subcontracting arrangement, which inflates DBE participation for the sole purpose of meeting contract goals, is not acceptable. A DBE firm acting as a middle person or passive conduit (where the activity is not standard industry practice) is essentially a "broker" and is not performing a Commercially Useful Function.

Second-tier DBE subcontracts (whether with a DBE or non-DBE subcontractor) may be counted toward the prime contractor's DBE goal provided the arrangement is in accordance with standard industry practice. If the first-tier subcontractor is unable or unwilling to perform for any reason, the prime contractor should be prepared to assume responsibility for utilizing the second-tier DBE contractor if the second-tier DBE contractor is listed on the ITD-2396 and the prime contractor has received credit toward the goal in the amount of the second-tier contract. However, a CUF must be performed.

If all or part of the work committed to a DBE subcontractor is eliminated from the project, the CCO will determine, on a case-by-case basis whether the contractor will be required to make up the deficiency if the creditable amount below the contract goal. The CCO's decision will be based on all the circumstances such as the amount of time left in the contract, the availability of DBE firms to do the remaining work, etc.

All subcontracts and second-tier contracts must be approved by the Resident/Regional Engineer before work commences.

DBE Joint Ventures

Minority or women-owned firms that are currently certified as DBEs in Idaho may enter into DBE joint ventures with non-DBEs to participate in highway construction projects. DBE Joint ventures seeking DBE credit are subject to the following requirements in accordance with the DBE Plan.

- Applicants, bidding as Primes, must complete ITD-646b, "Application for Joint Venture", and submit it with all accompanying documentation with their bid. DBE joint venture applicants submitting quotes as subcontractors must complete an ITD-646b, which is submitted to the Prime. The Prime will submit the ITD-646b with their ITD-2396 DBE commitment form.
- The DBE partner of the DBE joint venture must have a separate agreement showing the DBE partner's bid items, who will be supervising work, and dollar participation. The agreement must define the DBE partner's Distinct Elements of Work.
- The Chief of Civil Rights (CCR) will examine all information and, in coordination with Legal Counsel, determine whether all requirements have been met and documentation provided. The CCR will submit their joint findings to the Roadway Design Engineer, along with a recommendation on the advisability of accepting or denying the DBE joint venture arrangement.
- Only that portion of the joint venture directly under the control and management of the participating DBE will be eligible for credit toward the DBE goal and will be identified on ITD-2396, DBE Commitment Form.
- DBE joint venture applications must be submitted and evaluated on a project-by-project basis. Approved joint venture arrangements are project-specific and will cease to exist (for ITD purposes) at the conclusion of the project.

Commercially Useful Function (CUF)

The DBE partner of the DBE joint venture must have a separate agreement showing the DBE partner's bid items, who will be supervising work, and dollar participation. The agreement must define the DBE partner's Distinct Elements of Work.

Contract special provisions require that the DBE perform a commercially useful function on the project.

The State will consider that a commercially useful function has been performed (1) when a DBE is responsible for the execution of a distinct element of the work by actually performing, managing, and supervising the work involved in accordance with industry practices (except where such practices are inconsistent with DBE regulations and requirements), and (2) when the firm receives due compensation as agreed upon for the work performed.

This means that:

- 1) The work performed by a DBE must be work that might reasonably be expected to be subcontracted to either a DBE or non-DBE firm. The work should not have been added to the job or separated from a larger element for the sole purpose of meeting the DBE goal.
- 2) The DBE must be actively performing, managing and supervising the work. As such:
 - a. The DBE's labor force must be separate and apart from the labor force of the Prime Contractor, other subcontractors on the project or their affiliates. It is acceptable for the DBE to employ people who previously have been employed by another firm involved in

the contract, provided those people were independently recruited, according to general industry practice. Transferring work crews from another employer or supplier to the DBE or from the DBE to another employer or supplier is not acceptable.

- b. The DBE must perform at least 50 percent of the work with his own work force. Not more than 50 percent of the DBE's contract can be subcontracted, and the DBE remains responsible for the entire element of work. None of the work can be subcontracted back to the Prime Contractor. The work that a DBE subcontracts must be a logical extension of the primary function of the DBE, not an entirely unrelated function included for the purpose of meeting goals. The DBE must have a "Public Works License" for all subcontracted activities.
 - c. The DBE must contract and supervise the work contracted or independently hire a supervisor for the project. The DBE cannot employ a Prime Contractor's supervisors or other subcontractors' supervisors currently working on that project. A DBE supervisor and the DBE crew will be employed only by the DBE firm.
 - d. The DBE subcontractors may supplement their equipment by renting or leasing additional equipment from customary leasing sources or from the Prime or other Subcontractors on the project. However, not more than 50 percent of the DBE's equipment can be leased/rented and the equipment must be leased/rented at a competitive rate. Any leased/rented equipment must have prior approval by the Resident/Regional Engineer before it is brought onto the project. Operators for leased equipment cannot be the same as those employed by other Contractors, unless the equipment is leased from the Prime Contractor or other Contractors, is very specialized, and prior approval from ITD's Bureau of Civil Rights has been obtained
- 3) The DBE must negotiate cost, arrange delivery and pay for materials and supplies required for the DBE's contract work. Invoices and canceled checks should be available for verification by ITD. Invoices for materials should be invoiced to the DBE firm and not the Prime Contractor.
- 4) If a supplier will not accept payment from a DBE firm (due to non-existent or weak credit history), the Prime Contractor may make payments by check, co-signed by the DBE. Under unusual circumstances and with prior approval by ITD the Prime Contractor may pay for the DBE's materials and deduct the amount from payment to the DBE. Any co-payment arrangements need to be clearly documented in a written agreement between the Prime Contractor and the DBE firm, and receive prior approval by the Resident/Regional Engineer. If these conditions are not met, no credit will be given for the cost of materials placed by the DBE firm in these circumstances.
- 5) In order for a DBE truck owner/operator to be counted toward the DBE contract goals, the DBE owner/operator must own and operate at least one truck. The DBE owner/operator must also have a valid agreement with the Contractor or Subcontractor in order for the Contractor to receive DBE credit. The agreement must contain, or have attached, the following information:
- Owner/operator's name
 - Social Security number
 - Copy of vehicle registration receipt
 - Current vehicle license number

- Vehicle identification number
- Method of payment (hour, ton, or load)

Monitoring Compliance

As soon as the DBE subcontractor commences work on a project, Resident/Regional Engineers will review the DBE's operation and complete ITD-1701, Commercially Useful Function Determination (Exhibit 113-13).

- 1) If equipment is leased, the Resident/Regional Engineer should obtain a copy of the lease agreement to determine whether the DBE has exceeded the limits established in the previous section, and to verify that prior approval by the Resident/Regional Engineer was obtained.
- 2) The Resident/Regional Engineer should be able to distinguish the DBE owners, supervisory personnel and crew members from other personnel on the project to ensure that the DBE is operating in an independent manner.
- 3) If the Resident/Regional Engineer determines that the DBE is not performing according to the terms of the contract, i.e., performing a CUF, the Resident/Regional Engineer will notify the Prime Contractor in writing, according to instructions contained in the following section, and will document the actions under questions 18 and 19 of Form ITD-1701. Copies of the ITD-1701 will be sent to the Resident/Regional Engineer, District EEO/ST Coordinator and the Contract Compliance Officer.
- 4) If a DBE does not perform a CUF on a project (as determined by the Resident/Regional Engineer and documented on ITD-1701), the value of the DBE subcontract cannot be credited toward the Prime Contractor's DBE goal. If the Prime Contractor does not meet the goal, the Resident/Regional Engineer may find the Contractor in noncompliance and may impose sanctions.
- 5) If the Resident/Regional Engineer determines that the DBE's performance on the job contains a pattern of relationships with non-minority businesses that bring the DBE's independence and control into question, the Resident/Regional Engineer should advise the Contract Compliance Officer.

Record Keeping

All records relating to the DBE program shall be maintained by the Prime Contractor and each subcontractor during the course of the project and preserved for a period of 3 years from the date of completion of the contract.

The Prime Contractor or subcontractor shall make records pertaining to the DBE program available for inspection, copying or transcription by authorized representatives of the ITD or the FHWA and shall permit such representatives to interview employees as necessary.

Failure to submit the required records upon request, to make such records available, or to permit representatives to interview employees may be grounds for sanctions.

Sanctions

Whenever the Resident/Regional Engineer believes that the contractor or DBE subcontractor is not operating in compliance with the terms of Part IV, Disadvantaged Business Enterprise Requirements of the Civil Rights Special Provisions (based on an investigation and documentation of the circumstances), the Resident/Regional Engineer will take the following action:

- Advise the Prime Contractor, in writing, of the specific infractions that have been observed and indicate the length of time (not to exceed five working days) that will be allowed in which the Prime Contractor must take corrective action. Further advise the Prime Contractor that all or part of progress payments will be withheld if the deficiencies are not corrected within the specified time period. Withhold payment if not corrected.
- If the Contractor subsequently fails to correct the deficiencies or fails to have the DBE correct the deficiencies, the Resident/Regional Engineer may request direction from the District Engineer and CCO as to appropriate action under the circumstances. Contract provisions permit ITD to take any of the following actions in sequential order for any breach of the DBE provisions of the contract:
 - Withhold all or part of progress payments until it is determined the Contractor is in compliance.
 - Suspend the contract, in whole or in part, until the contractor is found to be in compliance with no progress payment being made during this time and no time extension made.
 - Cancel or terminate the contract for cause as authorized under Section 108.08 of the Contract Specifications.
 - Assess liquidated damages or penalties on the contract in an amount equal to 10% of the contract or \$5000.00 whichever is less.

Replacement of Defaulting DBEs

When the Contractor notifies ITD that a DBE identified on Form ITD-2396 is unwilling or unable to perform, the CCO will attempt to contact the DBE to obtain a written statement releasing the contractor and ITD from the utilization commitment.

The Contractor must make good-faith efforts to replace a DBE subcontractor with another DBE if the DBE listed on the Commitment Form (ITD-2396) is unable or unwilling to perform. Good-faith efforts, as listed in Section V.C.3 of the ITD's DBE plan, include, but are not limited to:

- 1) Notifying DBEs that their interest in the contract is solicited.
- 2) Negotiating with DBEs for specific sub-bids.

The Contractor must list the names, addresses and telephone numbers of the DBEs contacted, a description of the information provided to DBEs regarding the work to be performed and a statement of the results of those contacts.

When the Contractor obtains a substitute DBE, the Contractor notifies the Resident/Regional Engineer, who notifies the CCO. The CCO will verify the eligibility of the proposed substitution before the Resident/Regional Engineer approves the substitution and the new subcontract.

If the Contractor is unable to replace the defaulting or nonperforming DBE with another DBE firm for the contract items originally identified, a good-faith effort will be made to subcontract other items to a DBE firm for the purpose of meeting the Contractor's DBE goal. The CCO will make the determination whether the Contractor made the good-faith effort in replacing the defaulting or nonperforming DBE firm and in attempting to subcontract other items to other DBE firms. ITD may waive or adjust the goal as appropriate, depending on individual project circumstances.

Payments to DBE Subcontractors

To ensure that all obligations under contracts awarded to DBEs are met, the Resident/Regional Engineer will review the Contractor's DBE involvement efforts during the performance of the contract. Contractors are encouraged to pay all subcontractors their respective subcontract amount within 15 days after receiving payment from ITD.

113.04 TRAINING SPECIAL PROVISIONS (TSP)**General**

A primary purpose of the Training Special Provisions Program is to train and upgrade minorities and women toward journey level status in crafts where they are under-represented. The contract specifies the number of training slots (1 slot = 1,000 hours) to be filled and will be assigned to crafts that are under utilized in minorities or women. Minorities and women in training positions can be counted toward the EEO goals. **RESIDENT/REGIONAL ENGINEERS SHOULD ENCOURAGE CONTRACTORS TO BRING TRAINEES INTO THE WORK FORCE EARLY IN THE CONTRACT TO PROVIDE ADEQUATE OPPORTUNITY FOR TRAINEES/APPRENTICES TO COMPLETE THEIR PROGRAMS AND TO REDUCE THE RISK OF BEING FOUND IN NONCOMPLIANCE WITH THE TRAINING SPECIAL PROVISIONS.** Prior to commencing construction, the Contractor shall submit to the Resident/Regional Engineer a plan showing how the Contractor will meet the TSP requirements. This plan will include the number of trainees to be trained, the crafts that the training will cover and the training programs to be used. This plan will also show the starting time for the training in each craft.

Establishing Project Training Goals

The Roadway Design Engineer, in coordination with District personnel, and the Contract Compliance Officer, determine which construction contracts will contain Training Special Provisions and the number of training positions that can be accommodated on each project. Before the construction season, the Roadway Design Engineer and District Design personnel evaluate the potential availability of work under the contracts, the duration of the work (to ensure adequate time for completion of training) and the potential long-term benefits to the trainees. Assignment of training slots to specific contracts is based on:

- Availability of minorities, women and disadvantaged.
- Potential for effective training.
- Duration of the contract.
- Dollar amount of the contract.
- Total normal work force the average bidder is expected to use.
- Geographic location.
- Type of work.
- Need for additional journeymen in the area.
- Total goals established.
- Ratio of journeymen to trainees during normal operations.

If it determined that the crafts on a project are not under utilized by minorities or women, then no training positions are assigned.

Placing Trainees

The contractor may use either Department of Labor or ITD/FHWA-approved programs to be eligible for reimbursement at the rate of \$.80 per hour under the TSP Program. Other programs may be submitted for approval by DOL or ITD. **Trainees or apprentices and their training programs must be approved by the Resident/Regional Engineer before the contractor is eligible for reimbursement.**

Prime Contractors may request additional training hours or may relinquish training slots to Subcontractors. However, if the positions are relinquished to a Subcontractor, minority/women trainees in those positions cannot be counted toward the minority/women goals of the Prime Contractor - only toward the goals of the Subcontractor. Also, the Prime Contractor remains responsible for the TSP requirements being met.

The order of priority for filling training positions is as follows:

- Minorities and women receive first priority.
- Disadvantaged persons, as defined by the DOL (see Exhibit D of the Contract Compliance Plan).
- Nondisadvantaged Caucasian males. The Contractor is allowed to accept nondisadvantaged Caucasian males into the TSP Program, only after the Contractor has made and documented a good faith effort to hire minorities, women, and the disadvantaged.

Contract provisions require that Contractors submit name, Social Security number, craft, ethnicity and sex of all proposed trainees along with copies of their training programs for approval by the Resident/Regional Engineer. A copy of this information is also furnished to the EEO/ST Coordinator or designed DRI.

When using ITD/FHWA, or Contractor programs, the above information is provided by using the ITD "OJT Agreement," Exhibit 113.10. The Contractor must identify trainees/apprentices on payrolls by race, sex, crafts, status within the program and other relevant information, which may be requested.

Contractors may utilize programs approved by the U. S. Department of Labor or programs approved by ITD/FHWA. Contractors may also develop their own programs, but DOL or ITD and the FHWA must approve them before training commences on the project. Resident/Regional Engineers may contact the Bureau of Apprenticeship and Training, USDOL, Boise, Idaho telephone (208) 334-1013, to verify DOL programs.

The following ITD/FHWA-approved programs may be utilized: (available from District EEO/ST Coordinators)

Heavy-duty Mechanic	2,080 hours
Equipment Operator	2,080 hours
Highway Construction Carpenter	2,080 hours

CONTRACT ADMINISTRATION**Contract Civil Rights****113.04**

Truck Driver	1,040 hours
Highway Cement Finisher	1,040 hours
Highway Construction Laborer	1,040 hours

Contractors must make an effort to select training programs that address crafts that are under utilized by minorities and women. There will be no Training Special Provisions requirement included in the contract if there is no under utilization of minorities or women in any of the Contractor's work crafts, or in construction trades based on ITD's evaluation/analysis by geographic areas of the state.

From payroll information furnished by the Contractor, trainee/apprentice data and activity will be transferred to the Field Ledger System by the Residency/Regional staff and monitored to ensure compliance with the provisions of the contract and the individual training programs.

Residency/Regional personnel will establish individual ledger sheets for each trainee/apprentice that contains the following information:

- Name
- Social Security number
- Wage rate
- Training hours accumulated on previous jobs
- Job category (craft)
- Number of hours in approved training program
- Age
- Gender
- Ethnicity
- Hire date
- Name of contractor
- Changes in work status
- Transfer to other project
- Termination reason

Monitoring the TSP Program

The Contractor is responsible for identifying each trainee to the Resident/Regional Engineer and should be so advised at the preconstruction meeting.

All trainees will keep a record of their training activities -- either USDOL "Bureau of Apprenticeship and Training Monthly Progress Report" or ITD "Trainee's Monthly Progress Record," Exhibit 113-11. A completed copy of the Progress Record will be provided to the Resident/Regional Engineer within seven (7) days after the last working day of the month.

Project inspectors will make a daily diary entry for each trainee observed on the job. The entry will include the trainee's name and the work they were observed doing. Example: Trainee John Doe - operating roller. Entries are made during the Inspector's normal listing of the contractor's personnel and equipment. If the Resident/Regional Engineer observes:

- That the pay rate is not increased at time increments specified in the training program, or
- That training is not being given in the craft specified, or

- That not all phases of a training program are being incorporated into the work program of each employee, or
- Any other irregularities
- The Resident Engineer will take action as with any specification item.

The Civil Rights Section will provide a training history report obtained through ITD contracts to the Resident/Regional Engineer for each trainee approved, within seven (7) days of receipt of the approval notice. Records of training acquired outside Idaho Highway Construction projects before 1998 in highway construction will have to be accepted at face value.

The Resident/Regional Engineer's staff will use the Trainee's Progress Record and the Inspector's diary to spot-check for consistency and compliance with the conditions of the training program.

Training programs approved for use under the Training Special Provision will include documentation similar to that used by the Bureau of Apprenticeship and Training, or as approved by the Civil Rights Bureau. All Contractors are encouraged to register their programs with the "Bureau of Apprenticeships and Training with the Department of Labor."

All changes to an approved trainee's status shall be reported by the Contractor to the Resident/Regional Engineer, using a Training Action Request form, Exhibit 113-12.

When a trainee completes all requirements of a training program, the contractor must furnish the trainee/apprentice evidence that the trainee has successfully completed the training. (e.g. letter, certificate, card, etc.) A trainee/apprentice's graduation from a program should be entered on the trainees progress record in the TSP tracking system.

Reimbursement to the contractor under the Training Special Provision is made at the rate of \$.80 per hour of acceptable training given each trainee under an approved program. An entry is made to the automated field ledger (which is separate from the CR TSP tracking system) to include this amount in the progress payment.

Information obtained from the TSP tracking system is compiled by the Civil Rights Office and included in the Annual EEO Assurances Update Part I Contract Compliance for submission to FHWA.

The District EEO/ST Coordinator will audit compliance with the Training Special Provisions Program at appropriate times during the project and at the completion of the project. The audit shall determine compliance with the Training Special Provisions by the Contractor and ITD.

113.05 TRIBAL EMPLOYMENT RIGHTS ORDINANCES (TERO)**General**

Projects located, in whole or in part, on or adjacent to Indian lands may be subject to tribal ordinances governing employment practices and fees. Such projects are identified in the contract proposal under the heading "Tribal Special Provisions."

Before commencing work on a project covered by Tribal Employment Rights Ordinances, the Resident/Regional Engineer must have received a facsimile copy of the agreement between the Contractor and the Tribal Representative establishing preferential employment rights for Native Americans and the amount of the TERO fee, if applicable. The District Engineer, or designated representative shall periodically (at least monthly) contact the appropriate TERO Representative for assurance that the agreement is being honored. A memo concerning the contact shall be transmitted to the CCO with a copy to the Construction Engineer.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

The _____ will
(Company Name)

recruit, hire, train and promote all persons in all job groups without regard to race, religion, sex, color, or national origin. Employment decisions and personnel actions, such as compensation, benefits, training, transfers, recalls and layoffs, will be based on Equal Employment Opportunity principles. Working conditions, use of company facilities, or other terms, conditions and privileges of employment will be administered or utilized without regard to race, religion, sex, color, or national origin.

PRESIDENT

equal employment opportunity is the law

igualdad de oportunidad en el empleo es la ley

Private Industry, State, and Local Government

Title VII of the Civil Rights Act of 1964, as amended, prohibits job discrimination because of race, color, religion, sex or national origin.

Applicants to and employees of private employers, state/local governments, and public/private educational institutions are protected. Also covered are employment agencies, labor unions and apprenticeship programs. Any person who believes he or she has been discriminated against should contact immediately:

The U. S. Equal Employment Opportunity
Commission (EEOC)
2401 E St., N.W.
Washington, D. C. 20506

or an EEOC District Office, listed in most
telephone directories under U. S. Government.

Federal Contract Employment

Executive Order 11246, as amended, prohibits job discrimination because of race, color, religion, sex or national origin and requires affirmative action to ensure equality of opportunity in all aspects of employment.

Section 503 of the Rehabilitation Act of 1973 prohibits job discrimination because of handicap and requires affirmative action to employ and advance in employment qualified handicapped workers.

Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 prohibits job discrimination and requires affirmative action to employ and advance in employment (1) qualified Vietnam era veterans during the first four years after their discharge and (2) qualified disabled veterans throughout their working life if they have a 30 percent or more disability.

Applicants to and employees of any company with a federal government contract or subcontract are protected. Any person who believes a contractor has violated its affirmative action obligations, including nondiscrimination, under Executive Order 11246, as amended, or under Section 503 of the Rehabilitation Act should contact immediately:

The Employment Standards Administration
Office of Federal Contract Compliance
Programs (OFCCP)
Third and Constitution Ave., N.W.
Washington, D. C. 20210

or an OFCCP regional office, listed in most
telephone directories under U. S. Government,
Department of Labor. Complaints specifically
under the veterans' law should be filed with the
Veterans' Employment Service through local
offices of the state employment service.

All complaints must be filed within 180 days from
date of alleged violation.



U.S. Department of Labor
Employment Standards Administration
Office of Federal Contract Compliance Programs

OFCCP 1476
October 1976

Industrias Privadas, Gobiernos Locales y Estatales

El Título VII de la Ley de Derechos Civiles de 1964 enmendado, prohíbe la discriminación en el empleo por razón de raza, color, religión, sexo o nacionalidad de origen.

La ley protege a los empleados y solicitantes de empleo en empresas privadas, gobiernos estatales y locales e instituciones educacionales públicas y privadas. También abarca las agencias de empleo, sindicatos de trabajadores y programas de aprendizaje. Cualquier persona, tanto hombre como mujer, que crea que ha sido objeto de discriminación debe escribir inmediatamente a:

The U. S. Equal Employment Opportunity
Commission (EEOC)
2401 E St., N.W.
Washington, D. C. 20506

o a cualquier oficina regional de EEOC, las que se encuentran en las guías telefónicas locales bajo el nombre de U. S. Government.

Empleos En Compañías Con Contratos Federales

La Orden Ejecutiva Número 11246, enmendada, prohíbe la discriminación en el empleo por razón de raza, color, religión, sexo o nacionalidad de origen y exige acción positiva para garantizar la igualdad de oportunidad en todos los aspectos del empleo.

La Sección 503 de la Ley de Rehabilitación de 1973, prohíbe la discriminación en el empleo contra personas que sufran de impedimentos físicos o mentales y exige acción positiva en el empleo y promoción de personas que sufran de impedimentos físicos o mentales, siempre que reúnan las condiciones indispensables para el desempeño del empleo.

La Sección 402 de la Ley de 1974 de Asistencia para el Readjuste de los Veteranos de la Era de Vietnam, prohíbe la discriminación en el empleo y exige acción positiva en el empleo y promoción de: (1) veteranos de la era de Vietnam, durante los primeros cuatro años después de haber sido separados del servicio activo, siempre que reúnan las condiciones indispensables para el desempeño del empleo; (2) ciertos veteranos que tengan un 30 por ciento o más de impedimentos físicos o mentales mientras puedan trabajar, siempre que reúnan las condiciones indispensables para el desempeño del empleo.

La ley protege a los solicitantes de empleo y empleados de cualquier compañía que tenga un contrato o subcontrato con el gobierno federal. Cualquier persona que crea que uno de estos contratistas no ha cumplido con sus obligaciones de tomar acción positiva, incluyendo la de no discriminar, bajo la Orden Ejecutiva 11246, enmendada, o bajo la Sección 503 de la Ley de Rehabilitación, debe escribir inmediatamente a:

The Employment Standards Administration
Office of Federal Contract Compliance
Programs (OFCCP)
Third and Constitution Ave., N.W.
Washington, D. C. 20210

o a cualquier oficina regional de OFCCP, las que se encuentran en la mayoría de las guías telefónicas bajo U. S. Government, Department of Labor. Las reclamaciones específicamente comprendidas bajo la ley de veteranos, deben de dirigirse a Veterans' Employment Service por medio de las oficinas locales del servicio de empleo del estado.

Todas las reclamaciones deben de ser registradas dentro de los 180 días subsiguientes a la fecha del supuesto acto de discriminación.

Equal Employment Opportunity is THE LAW

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under the following Federal authorities:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, prohibits job discrimination because of a disability and requires affirmative action to employ and advance in employment qualified individuals with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

VIETNAM ERA AND SPECIAL DISABLED VETERANS

38 U.S.C. 4212 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 prohibits job discrimination and requires affirmative action to employ and advance in employment qualified Vietnam era veterans and qualified special disabled veterans.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), Employment Standards Administration, U.S. Department of Labor (DOL), 200 Constitution Avenue, N.W., Washington, D.C. 20210 or call (202) 219-9368 (DOL's toll-free TDD number for individuals with hearing impairments is (800) 326-2577), or an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Private Employment, State and Local Governments, Educational Institutions

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under the following Federal laws:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex or national origin.

DISABILITY

The Americans with Disabilities Act of 1990, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act (see above), the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by all of these Federal laws.

If you believe that you have been discriminated against under any of the above laws, you immediately should contact:

The U.S. Equal Employment Opportunity Commission (EEOC), 1801 L Street, N.W., Washington, D.C. 20507 or an EEOC field office by calling toll free (800) 669-4000. For individuals with hearing impairments, EEOC's toll free TDD number is (800) 800-3302.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protection of Title VII of the Civil Rights Act of 1964, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal assistance.

INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of a disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

If you believe you have been discriminated against in a program of any institution which receives Federal assistance, you should contact immediately the Federal agency providing such assistance.

FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT										OMB NO. 2125-0018 Report For JULY 19__									
1. CHECK APPROPRIATE BLOCK <input type="checkbox"/> Contractor <input type="checkbox"/> Subcontractor			2. NAME AND ADDRESS OF FIRM			3. FEDERAL-AID PROJECT NUMBER			4. TYPE OF CONSTRUCTION										
5. COUNTY AND STATE			6. PERCENT COMPLETE			7. BEGINNING CONSTR. DATE			8. DOLLAR AMOUNT OF CONTRACT										
									9. ESTIMATED PEAK EMPLOYMENT Month and Year (a) Number of Employees (b)										
10. EMPLOYMENT DATA																			
Table A																			
JOB CATEGORIES	TOTAL EMPLOYEES		TOTAL MINORITIES		BLACK Not of Hispanic Origin		HISPANIC		AMERICAN INDIAN OR ALASKAN NATIVE		ASIAN OR PACIFIC ISLANDER		WHITE Not of Hispanic Origin		APPRENTICES		ON THE JOB TRAINEES		
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
OFFICIALS (Managers)																			
SUPERVISORS																			
FOREMEN / WOMEN																			
CLERICAL																			
EQUIPMENT OPERATORS																			
MECHANICS																			
TRUCK DRIVERS																			
IRONWORKERS																			
CARPENTERS																			
CEMENT MASONS																			
ELECTRICIANS																			
PIPEFITTERS, PLUMBERS																			
PAINTERS																			
LABORERS, SEMI-SKILLED																			
LABORERS, UNSKILLED																			
TOTAL																			
Table B																			
Table C																			
APPRENTICES																			
ON THE JOB TRAINEES																			
11. PREPARED BY: (Signature and Title of Contractors Representative)												DATE		REVIEWED BY: (Signature and Title of State Highway Official)				DATE	
This report is required by law and regulation (23 U.S.C. 140a and 23 CFR Part 230). Failure to report will result in noncompliance with this regulation.																			

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION										OMB 10 01 00 01 REPORT FOR JULY 19						
FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT																
1. CHECK APPROPRIATE BLOCK <input type="checkbox"/> CONTRACTOR <input type="checkbox"/> SUBCONTRACTOR		2. NAME AND ADDRESS OF FIRM			3. FEDERAL-AID PROJECT NUMBER		4. TYPE OF CONSTRUCTION									
5. COUNTY AND STATE		6. PERCENT COMPLETE		7. BEGINNING CONSTR DATE		8. DOLLAR AMOUNT OF CONTRACT		9. ESTIMATED PEAK EMPLOYMENT MONTH AND YEAR		10. NUMBER OF EMPLOYEES (b)						
10. EMPLOYMENT DATA																
Table A																
JOB CATEGORIES	TOTAL EMPLOYEES		TOTAL MINORITIES		BLACK % of Hispanic Origin		HISPANIC		AMERICAN INDIAN OR ALASKAN NATIVE		ASIAN OR PACIFIC ISLANDER		WHITE % of Hispanic Origin		ON THE JOB TRAINEES	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
OFFICIALS (Managers)																
SUPERVISORS																
FOREMEN/WOMEN																
CLERICAL																
EQUIPMENT OPERATORS																
MECHANICS																
TRUCK DRIVERS																
IRONWORKERS																
CARPENTERS																
CEMENT MASONS																
ELECTRICIANS																
PIPEFITTERS, PLUMBERS																
PAINTERS																
LABORERS, SEMI-SKILLED																
LABORERS, UNSKILLED																
TOTAL																
Table B																
Table C																
11. PREPARED BY: (Signature and Title of Contractor Representative)												DATE				
12. REVIEWED BY: (Signature and Title of State Highway Official)												DATE				
This report is required by law and regulation (23 C.F.R. 1.10 and 23 C.F.R. Part 230). Failure to report will result in noncompliance with this regulation.																
PREVIOUS EDITIONS ARE OBSOLETE																

Form PR-1381
(Rev. 3-79)

General Information and Instructions

This form is to be developed from the "Contractor's Annual EEO Report." This data is to be compiled by the State and submitted annually. It should reflect the total employment on all Federal-Aid Highway Projects in the State as of July 31st. The staffing figures to be reported should represent the project work force on board in all or any part of the last payroll period preceding the end of July. The staffing figures to be reported in Table A should include journey-level men and women, apprentices, and on-the-job trainees. Staffing figures to be reported in Table B should include only apprentices and on-the-job trainees as indicated.

Entries made for "Job Categories" are to be confined to the listing shown. Miscellaneous job classifications are to be incorporated in the most appropriate category listed on the form. All employees on projects should thus be accounted for.

This information will be useful in complying with the U.S. Senate Committee on Public Works request that the Federal Highway Administration submit a report annually on the status of the Equal Employment Opportunity Program, its effectiveness, and progress made by the States and the Administration in carrying out Section 22 (A) of the Federal-Aid Highway Act of 1968. In addition, the form should be used as a valuable tool for States to evaluate their own programs for ensuring equal opportunity.

It is requested that States submit this information annually to the FHWA Divisions no later than August 25.

Line 01. - State & Region Code. Enter the 4-digit code from the list below.

Alabama	01-04	Montana	30-08
Alaska	02-10	Nebraska	31-07
Arizona	04-09	Nevada	32-09
Arkansas	05-06	New Hampshire	33-01
California	06-09	New Jersey	34-01
Colorado	08-08	New Mexico	35-06
Connecticut	09-01	New York	36-01
Delaware	10-03	North Carolina	37-04
Dist. of Col.	11-03	North Dakota	38-08
Florida	12-04	Ohio	39-05
Georgia	13-04	Oklahoma	40-06
Hawaii	15-09	Oregon	41-10
Idaho	16-10	Pennsylvania	42-03
Illinois	17-05	Puerto Rico	43-01
Indiana	18-05	Rhode Island	44-01
Iowa	19-07	South Carolina	45-04
Kansas	20-07	South Dakota	46-08
Kentucky	21-04	Tennessee	47-04
Louisiana	22-06	Texas	48-06
Maine	23-01	Utah	49-08
Maryland	24-03	Vermont	50-01
Massachusetts	25-01	Virginia	51-03
Michigan	26-05	Washington	53-10
Minnesota	27-05	West Virginia	54-03
Mississippi	28-04	Wisconsin	55-05
Missouri	29-07	Wyoming	56-08

(Reverse Side)

INSTRUCTIONS FOR FILING MONTHLY EMPLOYMENT UTILIZATION REPORT (CC-257)

The Monthly Utilization Report is to be completed by each subject contractor (both prime and sub) and signed by a responsible official of the company. The reports are to be filed by the 5th day of each month during the term of the contract, and they shall include the total work-hours for each employee classification in each trade in the covered area for the monthly reporting period. The prime contractor shall submit a report for its aggregate work force and collect and submit reports for each subcontractor's aggregate work force to the Federal compliance agency that has Executive Order 11246 responsibility. (Additional copies of this form may be obtained from the US Department of Labor, Employment Standards Administration, OFCCP's regional office for your area.)

- COMPLIANCE AGENCY US Government agency assigned responsibility for equal employment opportunity. (Secure this information from the contracting officer.)
- FEDERAL FUNDING AGENCY US Government agency funding project (in whole or in part). If more than one agency, list all.
- CONTRACTOR Any contractor who has a construction contract with the US Government or a contract funded in whole or in part with Federal funds.
- MINORITY Includes Blacks, Hispanics, American Indians, Alaskan Natives, and Asian and Pacific Islanders - both men and women.
1. COVERED AREA Geographic area identified in Notice required under 41 CFR 60-4.2.
2. EMPLOYER'S IDENTIFICATION NUMBER Federal Social Security Number used on Employer's Quarterly Federal Tax Return (US Treasury Department Form 941).
3. REPORTING PERIOD Monthly, or as directed by the compliance agency, beginning with the effective date of the contract.
5. CONSTRUCTION TRADE Only those construction crafts which contractor employs in the covered area.
6. WORK-HOURS OF EMPLOYMENT (A-E)..... a. The total number of male hours and the total number of female hours worked by employees in each classification.
- b-e. The total number of male hours and the total number of female hours worked by each specified group of minority employees in each classification.
- Classification The level of accomplishment or status of the worker in the trade (Journey Worker, Apprentice, Trainee).
7. MINORITY PERCENTAGE The percentage of total minority work-hours of all work-hours (the sum of columns 7b, 6c, 6d, and 6e divided by column 6a; just one figure for each construction trade).
8. FEMALE PERCENTAGE For each trade the number reported in 6a. F. divided by the sum of the numbers reported in 6a. M. and F.
9. TOTAL NUMBER OF EMPLOYEES Total number of male and total number of female employees working in each classification of each trade in the contractor's aggregate work force during reporting period.
10. TOTAL NUMBER OF MINORITY EMPLOYEES Total number of male minority employees and total number of female minority employees working in each classification in each trade in the contractor's aggregate work force during reporting period.

CMONTHESPBB 2/90 MONTHLY EMPLOYMENT UTILIZATION REPORT U.S. DEPARTMENT OF LABOR Employment Standards Administration, OFCCP Reproduction of Form CC-257 Rev. Dec. 1986

This report is required by Executive Order 11246, Sec. 203. Failure to report can result in contract cancellation, termination or suspension in whole or in part and the contractor may be declared ineligible for further Government contracts of federally assisted construction contracts.

1. CURRENT GOALS 2. REPORTING PERIOD 3. NAME AND LOCATION OF CONTRACTOR 4. FEDERAL FUNDING AGENCY

Minority Male Female From To

5. WORK HOURS OF EMPLOYMENT (FEDERAL AND NONFEDERAL)

CLASSIFICATION	6a. TOTAL ALL				6b. BLACK				6c. ASIAN OR PACIFIC ISLANDER				6d. AM. IND. OR ALASKAN NATIVE				MINORITY %	FEMALE %	TOTAL NUMBER OF MINORITY EMPLOYEES
	M	F	M	F	M	F	M	F	M	F	M	F	M	F					
Journey Worker																			
Apprentice																			
Trainee																			
Subtotal																			
Journey Worker																			
Apprentice																			
Trainee																			
Subtotal																			
Journey Worker																			
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Apprentice																			
Trainee																			
Subtotal																			
Journey Worker																			
Apprentice																			
Trainee																			
Subtotal																			
TOTAL JOURNEY WORKERS																			
TOTAL APPRENTICES																			
TOTAL TRAINEES																			
GRAND TOTAL																			

11. COMPANY OFFICIAL'S SIGNATURE AND TITLE 12. TELEPHONE NO. (INCLUDE AREA CODE) 13. DATE SIGNED PAGE OF

ITD-86 2-88

INSTRUCTIONS FOR COMPLETING EEO COMPLIANCE REVIEW
(CONSTRUCTION CONTRACTS ONLY)

READ THE COMPLETE INSTRUCTIONS CONTAINED IN THE CONTRACT COMPLIANCE PLAN
IN THE CIVIL RIGHTS MANUAL BEFORE COMPLETING ITD FORM 86

ITD FORM 86

1. Enter the year (e.g. 88) and 01 for the first report, 02 for the second report, and so on.
2. Enter the name/number of the SMSA or EA in which this FA project is located.
3. Indicate whether this is a normal post award review or a consolidated review.
4. Identify DBE subcontractors currently working and scheduled to work in future.
5. Indicate minority and women goals on this contract.
6. Specify type of contractor. If "other", explain.
7. List all FA Highway contracts held by this contractor in this SMSA or EA. Attach additional sheets if necessary.
8. List business address of contractor.
9. Enter the address or location of the project under review.
10. Enter the name of the President, Chairman or Chief Executive Officer of the company.
11. Enter the name of the Superintendent, Project Officer, or other person (with title) in charge of the work.
12. Enter the name of the designated EEO Officer. Obtain copy of letter appointing the EEO Officer, if available.
13. Mark the appropriate space. If the contractor does not have an Affirmative Action Plan for the Company, the Title 23 EEO provisions of the contract become the Company's Affirmative Action Plan.
14. Enter date of first contract listed on No.7. (Beginning date of review period.)
15. Enter estimated date when contract is substantially complete.
16. Enter anticipated peak employment date, month and year.
17. Enter estimated number of people employed at this contractor's peak employment.
18. List all the contractor's projects within the SMSA or EA and all the subcontractors, suppliers and vendors for each project.
19. Check yes if the DBE subcontractor(s) has been, or is currently on the job, and an ITD-1701, CUF Determination, has been completed on the DBE subcontractor(s). Attach a copy of the 1701(s). If the DBE subcontractor is not scheduled until later in the contract, check no.

ITD-86 2-88

20. Enter information on union affiliation, referral and training.
21. List employment referral sources actually used by the contractor within the SMSA or EA to fill project vacancies. Compare contractor's list with a comprehensive list you have prepared to determine if the contractor has made a reasonable effort to recruit minorities and women. Check the dates on letter requests. Was the request job-specific?
22. Enter the total number of employees, including trainees, employed by the contractor on projects in the SMSA or EA from the award date of the first contract to the date of this review.
23. List the total hours worked in the various crafts on all public and private contracts entered into after award on the first FA contract to the review date. Compare the total hours worked by minorities and females to the total hours in the various crafts to determine if minorities and women goals have been met. If minority and women goals have not been met in any of the crafts, the deficiency(ies) must be noted in the Summary, Item 29, and addressed in a Voluntary Corrective Action Plan, or a Show Cause Notice and subsequent Corrective Action Plan. Cross-check payroll records with CC-SF 257s.

Specific contract goals for each utilized craft should have been developed (as specified in the contract special provisions) based on the contractors estimate of labor provided at the pre-construction meeting. Craft goals may have to be modified during the course of the contract if significant changes in the work are encountered.

24. List all new hires rehires and recalls by the contractor in the SMSA or EA from the date of award of the first FA contract entered into during the current construction season to the review date.
25. Enter the total number of training hours allocated to the contractor's FA project(s) in this SMSA or EA.

NOTE: The primary purpose of the training program is to provide opportunities for women and minorities to advance in the various crafts. It is expected that women and minorities will fill the contractor's training hour allocation(s), particularly if women and minorities are underrepresented in any craft.

26. Enter only those hours expended on the project(s) under review. Off-site hours may not be included unless that training provides continuity and is approved by ITD.
27. Compare the information obtained in Item 26 with the number of hours allocated (Item 25.), and consider the amount and type of work remaining to be done (plus any other relevant factors) to determine whether the training goals are likely to be met. If the answer is no, explain in the space provided and include this determination in the Summary, Item 29.
28. A. Should include:
- Contractor's EEO Policy
 - Subcontractor's EEO Policy (if working)
 - OFCCP-1420, EEO Is The Law
 - Idaho Law Prohibits Discrimination in Employment
(from the Human Rights Commission)

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- B. May be a letter or form soliciting assistance from the Union(s) in referring women and minorities. Letter should ask for a written response from the Union to document the request. Obtain copies of request(s) and Union response(s).
- C. Through L. The documentation and responses requested in this section (28) should round out the picture that has been developing throughout the review process as to the compliance and affirmative action posture of the contractor. Although there may be extenuating circumstances, a "No" check on Items H, K, or L will normally indicate that the contractor is NOT IN COMPLIANCE. Again, significant negative findings should be noted in the summary and must be addressed in either a Voluntary Corrective Action Plan or a Show Cause Notice, as appropriate.

29. Summarize both positive and negative significant findings or issues. Also evaluate all information provided by the contractor or your own investigation which may not be requested on the ITD-86 but which has an impact on the final compliance decision.

Number each issue (finding) and provide ALL information which CLARIFIES and JUSTIFIES the decision you will enter in Item 30. Use additional sheets, if necessary.

30. Enter your determination in one of the three spaces. Although this decision is in some respects a judgment call, the following criteria provide some guidance.

Criteria which usually indicate that a contractor is:

IN COMPLIANCE: NO FURTHER ACTION REQUIRED BY CONTRACTOR

- Work hour goals have been met and the contractor's EEO posture is acceptable, or can become acceptable in less than five working days by correcting very minor deficiencies.
- Work hour goals have not been met, but all good faith measures have been taken and documented. Must be verified by reviewer.
- Deficiencies identified in a previous review have been resolved through a VCAP or a Corrective Action Plan.

IN COMPLIANCE: VOLUNTARY CORRECTIVE ACTION PLAN REQUIRED

- Workhour deficiencies and procedural deficiencies can be corrected within 30 days if the opportunity to do so exists. The Contractor must sign and agree to abide by the terms of a Voluntary Corrective Action Plan which may be executed at the review or within 5 working days of the review date. Usually, the VCAP is issued only when the deficiencies can be corrected within 30 days. However, the VCAP may be established (under limited conditions) to extend beyond the 30 days for a specified period of time. For example, if a contractor has complied with most procedural requirements (i.e., displayed posters, submitted reports, made some attempts to recruit minorities and females, etc.); is deficient a small percentage of hours in two crafts; but will not have the need (opportunity) to hire in those crafts until the final stage of the project (approximately 45 days later); but has provided substantial evidence documenting efforts toward compliance in each trade (verify all documents); a VCAP may be entered into with the understanding that the deficiency will be corrected as soon as the opportunity to do so exists. This is the date that is entered in "C" on the VCAP. In some instances, such as a declining workforce situation, the VCAP may even extend into the next contracting season if the contractor has no opportunity to correct the minor workhour deficiency until that time.

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- In those situations where the contractor appears to be hiring minorities/women into the appropriate crafts, as the need arises and as the goal-by-craft schedule suggests, the contractor may be considered to be IN COMPLIANCE (VCAP required) even though the goals have not been met on the date of this review.
- During the term of a VCAP the contractor is considered to be in compliance. If the VCAP extends beyond the normal 30 day period, the contractor must submit monthly reports until the corrective action is taken. The reports should contain any changes that have occurred and indicate whether the anticipated hiring opportunities are on schedule. If the follow-up review on a VCAP (conducted within a week after the anticipated compliance date) reveals that the contractor has either (1) not corrected the deficiencies, or (2) not demonstrated a good faith effort to correct the deficiencies, the reviewer must declare the contractor NOT IN COMPLIANCE and issue him/her a Show Cause Notice.

NOT IN COMPLIANCE: REQUIRES SHOW CAUSE NOTICE

- The contractor has not met ALL the contract EEO goals and cannot demonstrate he has made a good faith effort to meet them.
- The contractor has not met the goals even though there were opportunities to hire women and minorities into deficient crafts.
- The contractor has not met his/her commitment to correct deficiencies identified in a VCAP and cannot demonstrate a good faith effort to do so.

31. Sign and date form.

32. Within 7 working days of the review date, forward ITD86 with all supplemental information supplied by the Contractor or developed by you to justify your decision in Item 30 to the Contract Compliance Officer.

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CONTRACTOR EEO COMPLIANCE REPORT

SHEET 1 OF 5.



1. REPORT NO. ID-010- _____ DISTRICT _____ DATE OF REVIEW _____
2. SMSA _____ or EA _____
3. THIS IS A COMPREHENSIVE, ON SITE, _____ POST AWARD, OR _____ CONSOLIDATED REVIEW OF A FEDERALLY ASSISTED PROJECT UNDER THE AUTHORITY OF SECTION 22(a) OF THE FEDERAL-AID HIGHWAY ACT OF 1968, 23 U.S.C. 140(a).
4. THIS REVIEW ALSO COVERS DBE PARTICIPATION AS REQUIRED UNDER 49 C.F.R. PART 23. _____ YES _____ NO.
5. EEO GOALS FOR THIS CONTRACT ARE: MINORITY _____, FEMALE _____.
6. CONTRACTOR TYPE: PRIME _____, SUB _____, SUPPLIER _____, OTHER _____, DBE _____.
7. FEDERAL-AID PROJECT NUMBER AND/OR CONTRACT NUMBER _____ CONTRACT VALUE _____
- | | CONTRACT VALUE |
|----------|----------------|
| A. _____ | \$ _____ |
| B. _____ | \$ _____ |
| C. _____ | \$ _____ |
8. NAME AND ADDRESS OF CONTRACTOR: _____

9. ADDRESS OR LOCATION OF WORK REVIEWED: _____

10. NAME AND TITLE OF POLICY OFFICER: _____
11. NAME AND TITLE OF PROJECT OFFICER: _____
12. NAME AND TITLE OF EEO OFFICER: _____
13. HAS THE CONTRACTOR DEVELOPED A SEPARATE AFFIRMATIVE ACTION PLAN ? YES _____ NO _____
14. BEGINNING DATE OF FIRST FA HIGHWAY CONTRACT IN AREA. _____
15. ESTIMATED COMPLETION DATE OF ALL FA HIGHWAY CONTRACTS. _____
16. DATE OF ANTICIPATED PEAK EMPLOYMENT. _____
17. ESTIMATED NUMBER OF EMPLOYEES AT PEAK EMPLOYMENT. _____
18. CONTRACTOR'S SUPPLIERS, VENDORS AND SUBCONTRACTORS FOR EACH PROJECT LISTED IN 7. ABOVE.

SUBCONTRACTOR [SC], SUPPLIER [S] OR VENDOR [V]

PROJECT NUMBERS	NAME	SC, S or V	CONTRACT VALUE	CURRENTLY WORKING	DBE	*

* SUBCONTRACTS REVIEWED FOR REQUIRED INCLUSIONS [PR-1273].

19. COMMERCIALLY USEFUL FUNCTION OF D/WBEs VERIFIED: _____ YES. _____ NO. ATTACH ITD-1701 FORM(S).

SHEET 20.

[illegible]

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SHEET 3 OF 5.

23. SUMMARY ANALYSIS OF EMPLOYMENT DATA

JOB CATEGORIES	TOTAL HOURS WORKED	MINORITY WORK HOURS		FEMALE WORK HOURS		CONTRACT GOALS (PERCENT)	
		TOTAL	%	TOTAL	%	MINORITY	FEMALE
EQUIPMENT OPERATORS							
MECHANICS							
TRUCK DRIVERS							
IRONWORKERS							
CARPENTERS							
CEMENT MASONS							
ELECTRICIANS							
PIPEFITTERS, PLUMBERS							
PAINTERS							
LABORERS							
TOTAL							

24. SUMMARIZE HIRING OPPORTUNITIES DURNING PERIOD UNDER REVIEW, MINORITIES AND WOMEN BY JOB CATEGORIES

[illegible]

25. NUMBER OF TRAINING HOURS ALLOCATED TO PROJECT(S) IN AREA? _____

26. SUMMARY ANALYSIS OF TRAINING DATA

[illegible]

27. ARE TRAINING GOALS LIKELY TO BE MET BY CONCLUSION OF PROJECT ? YES _____, NO _____

IF NO, EXPLAIN: _____

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SHEET 4 OF 5

28. SUMMARY, FINDINGS, CONCLUSIONS, RECOMMENDATIONS, AND AGREEMENTS			
YES	NO		
		A. ARE REQUIRED POSTERS CONSPICUOUSLY DISPLAYED ?	
		B. HAVE REQUIRED WRITTEN NOTICES BEEN SENT TO UNIONS ? [INCLUDE COPY WITH REPORT]	
		C. ARE RECRUITING PUBLICATIONS USED TO SHOW "AN EQUAL OPPORTUNITY EMPLOYER" ? [INCLUDE COPY WITH REPORT]	
		D. ARE SUCH PUBLICATIONS CIRCULATED IN MINORITY ORIENTED COMMUNITIES ? WHERE ? [INCLUDE COPY WITH REPORT]	
		E. HAS CERTIFICATION REGARDING USE OF NONSEGREGATED FACILITIES BEEN MADE ?	
		F. ARE FACILITIES ACTUALLY PROVIDED ON A NONSEGREGATED BASIS ?	
		G. HAVE OTHER REPORTS REQUIRED BY FEDERAL, STATE, MUNICIPAL, OR OTHER STATUTES, REGULATIONS, DIRECTIVES, ETC. BEEN SUBMITTED ?	
		H. HAVE GOALS BEEN MET AND OTHER CONDITIONS OF AFFIRMATIVE ACTION COMPLIANCE PROGRAMS BEEN IMPLEMENTED IN A SATISFACTORY OR ACCEPTABLE MANNER ?	
		I. HAVE COMPLIANCE OR OTHER REVIEWS MADE BY OTHER AGENCIES RESULTED IN A DETERMINATION OF COMPLIANCE ?	
		J. ARE PRESCRIBED EQUAL EMPLOYMENT OPPORTUNITY CLAUSES INCLUDED IN ALL APPLICABLE PURCHASE ORDERS, SUBCONTRACTS, AND COLLECTIVE BARGAINING UNION AGREEMENTS ?	
		K. ARE APPLICATIONS FOR EMPLOYMENT ACCEPTED, AND ARE SELECTIONS MADE, WITHOUT REGARD TO RACE, COLOR, RELIGION SEX OR NATIONAL ORIGIN ? [INCLUDE COPY OF APPLICATION REGISTER FOR CURRENT SEASON]	
		L. ARE TRANSFER, WAGE, TRAINING, MANPOWER DEVELOPMENT, PROMOTION AND OTHER EMPLOYMENT PRACTICES ACHIEVING EQUAL EMPLOYMENT RESULTS ?	
29. SUMMARY: NUMBER EACH ISSUE ADDRESSED. USE ADDITIONAL SHEETS IF NECESSARY.			
30. CONTRACTOR IS: IN COMPLIANCE, NO FURTHER ACTION REQUIRED _____.			
IN COMPLIANCE, VCAP ATTACHED _____ NOT IN COMPLIANCE, COPY OF SCN ATTACHED _____.			
31. (a) FOR THE ITD:			
REVIEW CONDUCTED BY _____		SIGNATURE	TITLE _____ DATE ____/____/____
(b) HEADQUARTERS CONCURRENCE BY _____		SIGNATURE	TITLE _____ DATE ____/____/____
32. FOR THE FHWA:			
(a) IDAHO DIVISION CONCURRENCE BY _____		SIGNATURE	TITLE _____ DATE ____/____/____
(b) REGIONAL CONCURRENCE BY _____		SIGNATURE	TITLE _____ DATE ____/____/____

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Sheet 5 of 5

VOLUNTARY CORRECTIVE ACTION PLAN

ATTACHMENT A

PROJECT _____

LOCATION _____

A. The following deficiencies were found during the review of _____

on _____.

1.

2.

3.

4.

B. The contractor agrees to correct these as follows:

1.

2.

3.

4.

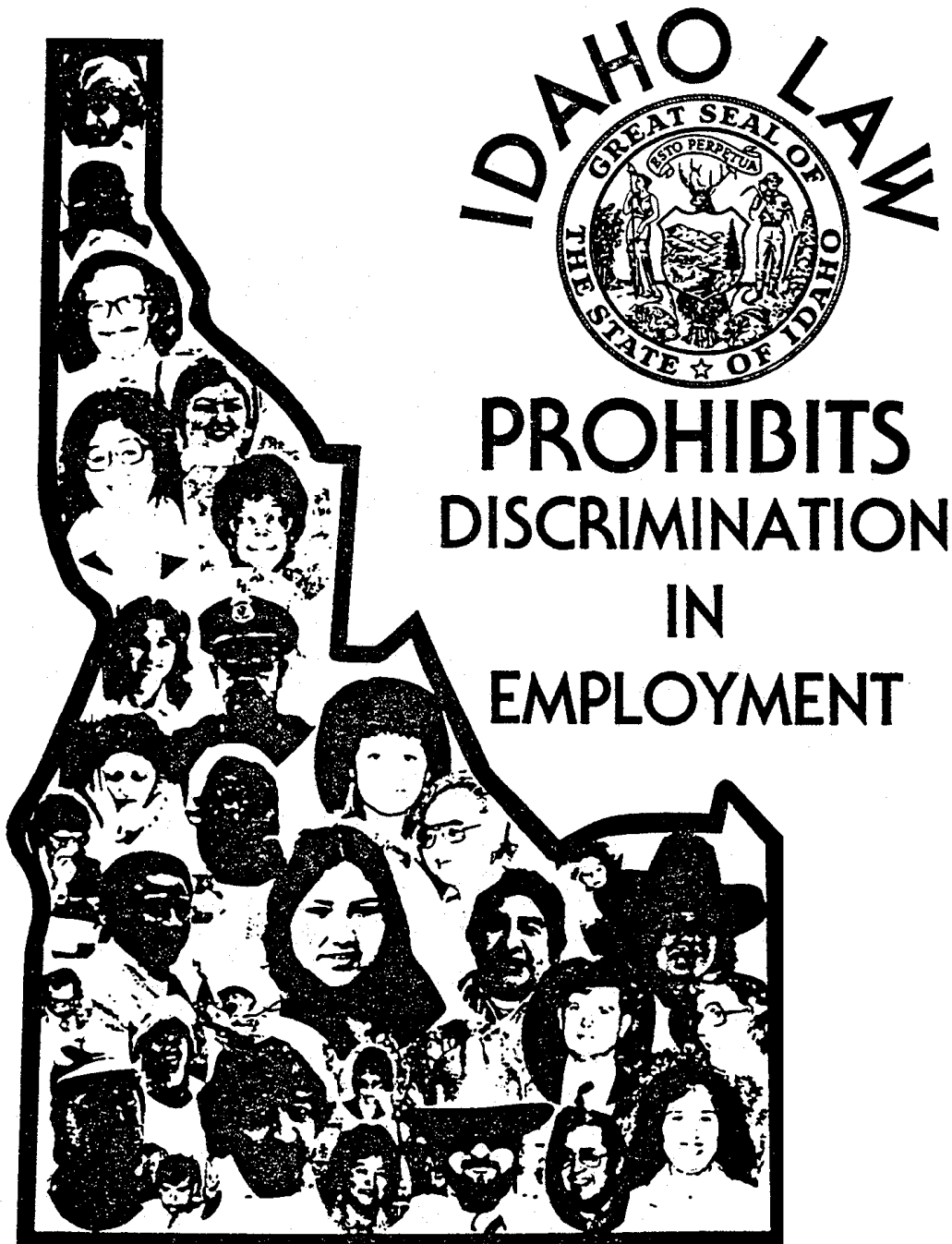
C. These deficiencies will be corrected by: _____
Date

D. ITD will conduct a formal follow-up review on _____
to determine if corrective measures have been (Within One Week of date entered above)
taken. If deficiencies have not been corrected, a 30-Day Show Cause Notice will be
issued. The contractor will be provided a copy of the report prepared as a result of
the follow-up review.

SIGNATURE BY THE CONTRACTOR

SIGNATURE BY THE ITD

DATE

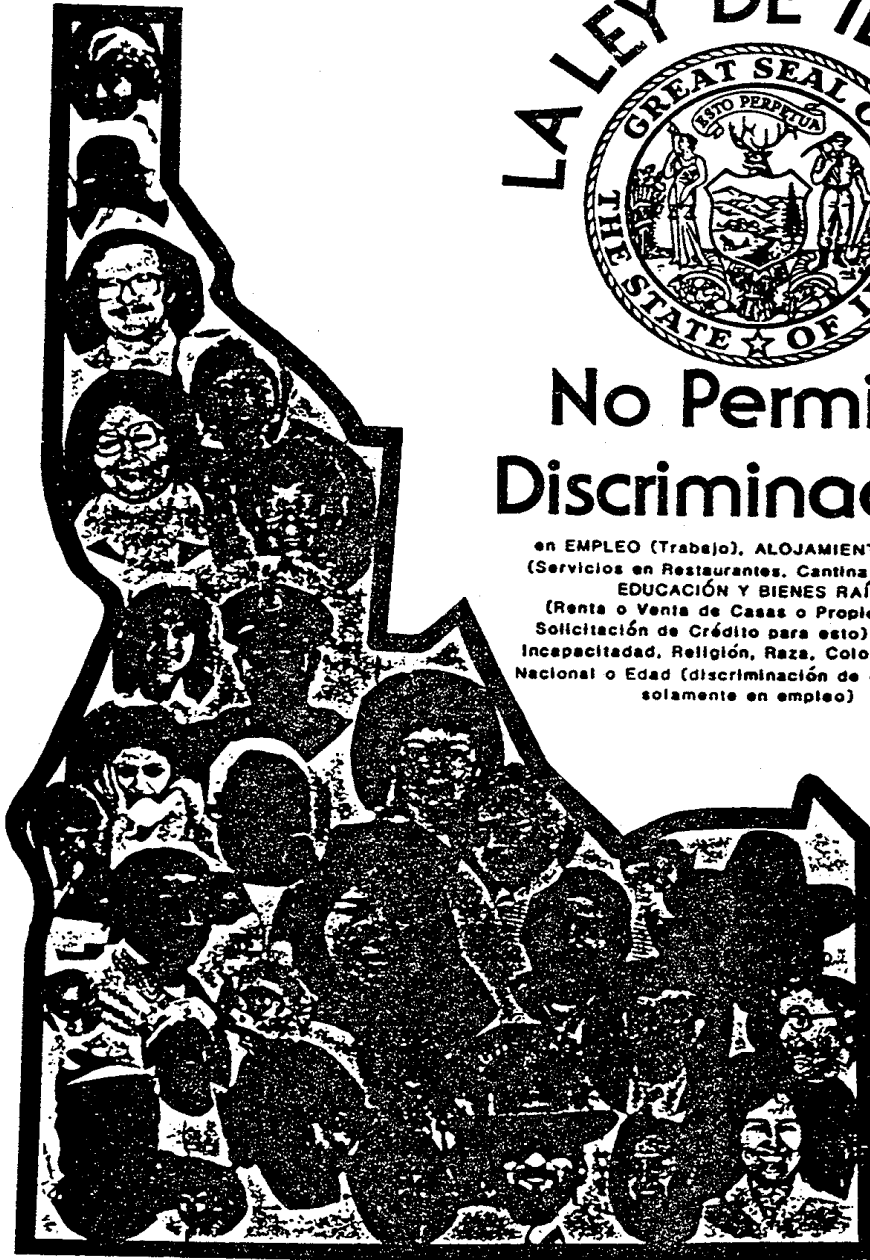


**BASED ON RELIGION, RACE, COLOR, SEX,
AGE, HANDICAP OR NATIONAL ORIGIN**

FOR MORE INFORMATION CONTACT

IDAHO HUMAN RIGHTS COMMISSION
STATEHOUSE, BOISE, IDAHO 83720

334-2873



No Permite Discriminación

en EMPLEO (Trabajo), ALOJAMIENTO PÚBLICO
(Servicios en Restaurantes, Cantinas u Hoteles),
EDUCACIÓN Y BIENES RAÍCES
(Renta o Venta de Casas o Propiedades y la
Solicitud de Crédito para esto) por causa de
Incapacidad, Religión, Raza, Color, Sexo, Origen
Nacional o Edad (discriminación de edad se prohíbe
solamente en empleo)

PARA MAS INFORMACIÓN COMUNIQUESE CON:
IDAHO HUMAN RIGHTS COMMISSION
450 W. STATE STREET, BOISE, IDAHO 83720

PUEDE LLAMAR AL NÚMERO SIGUIENTE SIN CARGOS:
(Dígame al operador que quiere hablar "collect" si llama de afuera de Boise)

(208) 334-2873

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IDAHO TRANSPORTATION DEPARTMENT
Resident Engineer's On-Site Inspection
Equal Employment Opportunity



District _____ Resident Engineer _____ Percent Complete _____
County _____ Project # _____
Contract # _____
Contractor or Subcontractor _____
(If joint venture, give names of all contractors involved)

- | | | Yes | No |
|-----|---|-----|-----|
| 1. | Are EEO Posters placed in areas accessible to employees and applicants for employment at project site? | ___ | ___ |
| 2. | Is the company's EEO policy posted in near proximity to the EEO poster? | ___ | ___ |
| 3. | Are all employee facilities at project site desegregated? | ___ | ___ |
| 4. | Are minorities integrated into the contractor's and/or subcontractor's project work force? | ___ | ___ |
| 5. | (a) Are contractor's and/or subcontractor's supervisory personnel aware of the company's equal employment opportunity commitments? (Ask 2 supervisors.) | ___ | ___ |
| | (b) Are other employees aware of the company's EEO policy? (Ask 3 employees.) | ___ | ___ |
| 6. | (a) Are disadvantaged subcontractors being utilized on the project: (Check DBE.) | ___ | ___ |
| | (b) Are subcontractors with meaningful minority group representation among their employees being utilized? (Observed on the job.) | ___ | ___ |
| 7. | (a) Are there any personnel in an OJT or apprenticeship training program? (Must be approved by RE.) | ___ | ___ |
| | (b) Are minority group employees in the training program? | ___ | ___ |
| 8. | (a) Does the contractor and/or subcontractor advertise for employees? | ___ | ___ |
| | (b) If advertisement is used, does it include the notation; "An Equal Opportunity Employer"? (Ask to see documentation.) | ___ | ___ |
| 9. | Have there been any complaints concerning discrimination lodged with the contractor and/or the State? (Ask the contractor.) | ___ | ___ |
| 10. | Has the contractor, or his representative, periodically conducted inspections and/or reviews to insure that discriminatory working conditions and/or employment practices do not exist on the project site? | ___ | ___ |
| 11. | Does the contractor's EEO officer visit the project site and is he known to State project personnel? | ___ | ___ |
| 12. | Has the contractor furnished the Resident Engineer copies of records of meetings with his supervisory personnel concerning equal employment opportunity practices? | ___ | ___ |

Remarks:

Date

Resident Engineer
Distribution: Project files, Dist. Engr., Dist. EEO/St. Coord., Cont. Compliance Off.

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Page 1 of 6

(Must be submitted with Contract Documents Prior to Award of Contract)

DBE COMMITMENTS



Award Date _____

Contract No. _____

Contractor _____

Contractor DBE Liaison Officer _____

Project No. _____

Location _____

Contract Amount \$ _____, PA Amount \$ _____

Signature of Preparer _____

Date _____

Phone Number _____

If goals are not met, it is mandatory that pages 5 and 6 titled "DBE Good Faith Effort" be completed. Failure to complete these forms will prevent contract award. Refer to Civil Rights Special Provisions, Part IV, for more detail. Award of contract is contingent on good faith efforts to provide maximum opportunity for DBE participation in this project.

Goals for DBE Subcontractors and Suppliers for this project: \$ _____ (____%)

PART I: SUMMARY OF DBE GOAL ATTAINMENT

1. Total amount to be subcontracted to DBE Subcontractors: \$ _____
2. Total amount to be paid DBE Equipment Lessors: \$ _____
3. Total amount to be paid to DBE Manufacturing, (e.g., asphalt emulsions, cutback asphalt, fabricated signs, etc.) or Delivery Companies: \$ _____
4. Sixty percent (60%) of total amount to be paid to DBE Suppliers: \$ _____
5. Net fee of DBE Brokers or Bonding Agents: \$ _____

DO NOT WRITE IN BOXES - FOR DEPARTMENT USE ONLY

TOTAL \$ _____ (____%)

FEDERAL AID %: _____

FEDERAL AID

\$ _____

APPROVED _____ NOT APPROVED _____ By _____ Idaho Transportation Department _____ Date _____

PART II: CONTINUING AFFIRMATIVE ACTION

After contract award, if DBE goals have not been met, any further solicitation of bids or quotes from subcontractors, suppliers, equipment lessors or manufacturers will require documentation of good faith to obtain DBE participation prior to approval.

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PART III: SUBCONTRACTORS

(LIST ALL SOLICITATIONS AND QUOTATIONS, INCLUDING NON-DBE)

NAME & ADDRESS OF SUBCONTRACTOR Quotes Solicited From Or Received From	DBE	NON DBE	ITEMS QUOTED List By Contract Item Numbers And Briefly Describe Proposed Work	AMOUNT QUOTED BY SUBCON, If No Re- sponse Enter NONE	PLAN TO USE, Enter YES or NO	IF DBE SUBCONTRACTOR IS NOT SELECTED, BRIEFLY DESCRIBE WHY

(LIST ALL SOLICITATIONS AND QUOTATIONS, INCLUDING NON-DBE)

NAME & ADDRESS OF SUBCONTRACTOR Quoted Solicited From Or Received From	DBE	NON DBE	ITEMS QUOTED List By Contract Item Numbers And Briefly Describe Proposed Work	AMOUNT QUOTED BY PLAN TO USE; SUBCON; If No Response Enter NONE	PLAN TO USE; Enter YES or NO	IF DBE SUBCONTRACTOR IS NOT SELECTED, BRIEFLY DESCRIBE WHY

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PART IV: SUPPLIERS, MANUFACTURERS, LESSORS AND DELIVERY FIRMS

NAME & ADDRESS OF CO. Quotes Solicited or Received From	DBE	Non DBE	ITEMS TO BE SUPPLIED (S), LEASED (L), MANUFACTURED (M), OR DELIVERED (D), BY CONTRACT ITEM NUMBERS AND BRIEFLY DESCRIBE PROPOSED ITEMS	S-L-M-D	AMOUNT QUOTED, If No Response Enter NONE	PLAN TO USE, Enter YES or NO	If DBE is Not Selected Describe Why

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SUMMARY OF DBE GOOD FAITH EFFORT

If the dollar value goals for DBE participation in this project have not been met, the Contractor is required to complete the following questions to describe efforts to obtain DBE participation. Each following effort will require an explanation of the action taken.

ATTACH ADDITIONAL SHEETS, IF NECESSARY

1. Has the Contractor advertised in general circulation, trade association and minority-focus media concerning the subcontracting opportunities? Explain.
2. Has the Contractor provided written notice to a reasonable number of specific DBEs that their interest in the contract was being solicited, in sufficient time to allow the DBEs to participate effectively? Submit a copy of all correspondence soliciting bids from DBEs. Explain.
3. Has the Contractor followed up initial solicitation of interest by contacting DBEs to determine with certainty whether the DBEs were interested? Submit telephone logs, letters, etc. to document follow-up activity.
4. Has the Contractor selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the DBE goals, including, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation? Explain.

(over)

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SUMMARY OF DBE GOOD FAITH EFFORT, Continued

5. Has the Contractor provided interested DBEs with adequate information about the plans, specifications and requirements of the contract? Describe what action was taken.
6. Has the Contractor negotiated in good faith with interested DBEs not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities? Explain.
7. Has the Contractor made efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance required by the Idaho Transportation Department or Contractor? Explain.
8. In addition to Number 1 above, has the Contractor effectively used the services of available minority community organizations, minority contractors' groups, local, state and federal minority business assistance offices and other organizations that provide assistance in identifying and subcontracting with DBEs? Explain.
9. Describe any other efforts not covered by the above eight points that may indicate the Contractor's affirmative action to obtain DBE participation in this project.

COPIES OF: CORRESPONDENCE, RETURN RECEIPTS, TELEPHONE LOGS, OR OTHER DOCUMENTATION WILL BE REQUIRED TO SUPPORT GOOD FAITH EFFORTS

**ON-THE-JOB TRAINING AGREEMENT
IDAHO TRANSPORTATION DEPARTMENT**

4/90

THIS FORM MUST BE COMPLETED BY ALL SIGNATORIES PRIOR TO THE DATE TRAINING BEGINS

PRIVACY ACT STATEMENT: THE INFORMATION REQUESTED HEREIN IS USED FOR TRAINING PROGRAM STATISTICAL PURPOSES AND MAY NOT BE OTHERWISE DISCLOSED WITHOUT THE EXPRESS PERMISSION OF THE UNDERSIGNED TRAINEE. PRIVACY ACT OF 1974 (P.L. 93-579).

THIS AGREEMENT MAY BE TERMINATED BY EITHER OF THE PARTIES, CITING CAUSE(S), WITH NOTIFICATION TO THE IDAHO TRANSPORTATION DEPARTMENT.

PART A: TO BE COMPLETED BY CONTRACTOR

1. CONTRACTOR (NAME AND ADDRESS)		2. TRADE	3. TERM (HRS.)	
		4. CREDIT FOR PREVIOUS EXP. (HRS.)	5. TERM REMAINING (HRS.)	6. DATE TRAINING BEGINS
7. RELATED INSTRUCTION	B. METHOD	C. SOURCE	D. TRAINEE WAGES FOR RELATED INSTR.	E. TRAINEE FEES FOR RELATED INSTR.
A. NUMBER OF HOURS	<input type="checkbox"/> CLASSROOM <input type="checkbox"/> SHOP <input type="checkbox"/> CORRESPONDENCE	<input type="checkbox"/> VOC. ED. <input type="checkbox"/> SPONSOR <input type="checkbox"/> OTHER	<input type="checkbox"/> WILL BE PAID <input type="checkbox"/> WILL NOT BE PAID	<input type="checkbox"/> WILL BE PAID <input type="checkbox"/> WILL NOT BE PAID

8. TRAINEE WAGES: THE TRAINEE SCHEDULE OF PAY SHALL BE LISTED FOR EACH ADVANCEMENT PERIOD.

	PERIOD 1	PERIOD 2	PERIOD 3	PERIOD 4
B. TERM (HRS.)				
C. PERCENT OF JOURNEYMAN SCALE				

9. JOURNEYMAN TO WHOM TRAINEE IS ASSIGNED	11. NAME AND ADDRESS OF CONTRACTOR DESIGNEE TO RECEIVE COMPLAINTS
10. SIGNATURE OF AUTHORIZED REPRESENTATIVE (EMPLOYER/CONTRACTOR)	DATE SIGNED

PART B: TO BE COMPLETED BY TRAINEE

12. NAME (LAST, FIRST, MIDDLE) AND ADDRESS (NO., STREET, CITY, COUNTY, STATE, ZIP)	SOCIAL SECURITY NUMBER	13. RACE/ETHNIC GROUP (X ONE)	14. SEX (CHECK ONE)
		<input type="checkbox"/> WHITE (NOT HISPANIC) <input type="checkbox"/> BLACK (NOT HISPANIC) <input type="checkbox"/> HISPANIC <input type="checkbox"/> AM. IND. OR ALASKA NATIVE <input type="checkbox"/> ASIAN OR PACIFIC ISLANDER <input type="checkbox"/> OTHER _____ SPECIFY	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE

15. DATE OF BIRTH (MONTH, DAY, YEAR)	16. SIGNATURE OF TRAINEE	DATE

PART C: TO BE COMPLETED BY THE RESIDENT ENGINEER

17. ADDRESS	18. APPROVAL SIGNATURE	20. DATE

REQUIRED DISTRIBUTION: ORIGINAL - CONTRACTOR FILES; COPY - RESIDENT ENGINEER; COPY - TRAINEE

4/90

TRAINEE MONTHLY PROGRESS RECORD

NAME		PROJECT		MONTH OF																												
WORK PROCESS AS PER STANDARDS	HOURS BROUGHT FORWARD	LIST IN SPACE BELOW NUMBER OF HOURS WORKED ON EACH PROCESS DURING DAY (KEEP RECORD TO CLOSEST HOUR)												TOTAL HOURS																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	

REQUIRED DISTRIBUTION: ORIGINAL - CONTRACTOR FILES; COPY - TRAINER; COPY - RESIDENT ENGINEER

4/90

TRAINING ACTION REQUEST

Date

We request that the following action be taken on _____.
Trainee's Name

_____ trainee.
Trade

☐

We are unable to complete our training commitment to the
above-named trainee and the I.T.D. for the following reason: _____

(Date)

☐

The above-named apprentice has successfully completed a craft
training program under the terms of the program agreement; therefore,
a certificate of Completion of Training has been issued (copy attached).

FURTHER COMMENTS (if any):

PLEASE RETURN THIS FORM TO:

Resident Engineer

Contractor Representative (signature)

Contractor Name and Address:

REQUIRED DISTRIBUTION: ORIGINAL - RESIDENT ENGINEER; COPY - TRAINEE;
COPY - CONTRACTOR FILES

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IDAHO TRANSPORTATION DEPARTMENT

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) JOB-SITE REVIEW
COMMERCIALLY USEFUL FUNCTION (CUF) DETERMINATION**



PRIME CONTRACTOR: _____

PROJECT NUMBER AND NAME: _____

1. DBE subcontractor: _____
2. DBE's site superintendent/foreman name: _____
3. Is the DBE's superintendent/foreman shown on the DBE's Payroll? _____
4. Is he/she shown on the prime contractor's payroll or any other subcontractor's payroll? _____
5. Are any of the DBE's crew on the prime contractor's payroll or any other subcontractor's payroll? List names and crafts.

6. Does the DBE superintendent/foreman administer his/her work in an independent manner free of interference from the prime contractor? _____

If no, explain: _____

7. Who would the DBE superintendent/foreman contact to put on additional personnel or modify the DBE contract due to changed conditions?

(Name and Title): _____

8. Indicate DBE work observed this date: _____

9. List names of DBE's crew as observed (indicate craft):

10. List major, self-propelled equipment used by DBE: _____

11. Does the equipment have the DBE's markings or emblems? _____

If another firm's markings are shown, please indicate name: _____

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(Reverse Side)

12. Is the DBE's equipment owned or leased? _____

If leased, attach copy: _____

Leased from: _____

13. Has any other contractor performed substantial amounts of work specified in the DBE's contract? _____

If yes, please explain _____

14. Has the DBE owner been present on the job site? _____ What % _____

15. Are DBE's personnel and equipment under direct supervision of the DBE subcontractor? _____

16. Does the DBE subcontractor appear to have control over methods of work on its contract items? _____

17. Based upon the above, do you believe this DBE contractor is an independent business, is executing a distinct element of work, and is actually performing, managing, and supervising the work specified in the DBE's contract? _____

18. If a CUF is not being performed by the DBE subcontractor, what action taken to correct the deficiency?

Explain: _____

19. Did the action described in 18 above correct the deficiency?

Explain: _____

Reviewed By

Title

Date

Copy: Resident Engineer

District EEO/ST Coordinator

CR Supervi